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APP. NUMBER(S)	FILED DATE	FIRST NAME/INITIALS	ATTORNEY DOCKET NO.	CIVIL LOCATION NO.
04-2011-00000	08-17-2006	Melvin S.	44-PST-LA-SUITE 600	100

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Mathematics

and the  $\beta$ -ray signal from the detector.

APPLIED MATERIALS, INC.  
2881 SCOTT BLVD. MS 2061  
SANTA CLARA, CA 95050

J. V. VANNIKK

OSEN, ALAN W.

ARTICLE NUMBER	PAPER NUMBER
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DAMIAN MARCHI AND YUAN

Please find below and or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)
09/507,629	SHEN ET AL.
Allan W. Olsen	1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any extended patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 10 March 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-5,7-15,17-21 and 32-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-5,7-15,17-21 and 32-49 67-69 71-81 is/are allowed.
- 6) Claim(s) 50,53,54,56,59,60,62 and 65 is/are rejected.
- 7) Claim(s) 51,52,55,57,58,61,63,64,66 and 70 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449; Paper No(s) 13  
4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 50, 53, 54, 56, 59, 60, 62 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,248,252 issued to Nguyen et al. (hereinafter, Nguyen).**

Nguyen teaches etching with a RF coupled plasma comprising Cl<sub>2</sub>, N<sub>2</sub> and CF<sub>4</sub>.

Nguyen teaches a Cl<sub>2</sub> flow rate of 19-35 sccm, a CF<sub>4</sub> flow rate of 3-6 sccm and an N<sub>2</sub> flow rate of 13-24 sccm. See abstract and column 5, lines 30-40.

### ***Response to Arguments***

Applicant's arguments filed March 10, 2003 have been fully considered but they are not persuasive. Applicant argues that Nguyen teaches etching aluminum rather than the claimed silicon containing material. The examiner notes that Nguyen teaches the aluminum can contain silicon (column 4, lines 39- 42).

### ***Allowable Subject Matter***

Claims 1-5, 7-15, 17-21, 32-49 and 67-69, 71-81 are allowed.

Claim 70 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 81.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Art Unit: 1763

Claims 51, 52, 55, 57, 58, 61, 63, 64 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 703-306-9075. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Mills, can be reached on 703-308-1633.

The general fax numbers for TC1700 are 703-872-9310 (non-after finals) and 703-872-9311(after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Allan Olsen, Ph.D.

*Allan Olsen  
11/1763*